

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 12, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:08OD-127

Oahu

Grant of Perpetual, Non-Exclusive Easement to Board of Water Supply for
Drainage and Flowage Purposes, Aiea, Ewa, Oahu, Tax Map Key (1) 9-9-
009:013(portion).

APPLICANT:

Board of Water Supply, whose business and mailing address is 630 South
Beretania Street, Honolulu, Hawaii, 96843

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Aiea, Ewa, Oahu, identified by Tax Map
Key (1) 9-9-009:013 (portion), as shown on the attached map labeled Exhibit A.

AREA:

717 square feet, more or less.

ZONING:

State Land Use District:	Urban
County of Honolulu	Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO X

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Perpetual Non-Exclusive Easement for Drainage and Flowage Purposes

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

None. Applicant already provided the survey maps and descriptions according to State DAGS standards and obtained the subdivision approval from the City & County of Honolulu.

REMARKS:

The applicant requests a grant of easement, for drainage easement "D-2" and flowage easement "F-2" over tax map key (1) 9-9-009:013, for the discharge of storm, surface and reservoir overflow and maintenance waters from the Aiea Gulch Wells site which has been set aside to the Board of Water Supply under Governor's Executive Order No. 2275 issued in 1966. The City and County of Honolulu's Department of Planning and Permitting have designated and approved of these easements as of August 6, 1998. For reasons unknown to the staff, Governor's Executive Order No. 2275 does not include the requested easements. Staff recommends the Board authorize the issuance of easements to

address the situation.

The Office of Hawaiian Affairs and Facility Maintenance have no objections to the subject request. The Department of Hawaiian Homelands and Commission on Water Resource Management have no comments to the subject request. The Department of Health, the State Historic Preservation Division and Department of Planning and Permitting have submitted no response as of the suspense date.

There are no other pertinent issues or concerns, and staff has no objection to the request.

RECOMMENDATION: That the Board:

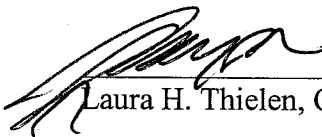
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a perpetual non-exclusive easement to Board of Water Supply covering the subject area for drainage and flowage purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timothy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

